

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel De Sousa et al.
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Examiner : El Chanti, Hussein A.

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Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

This paper is submitted responsive to the Notification of Non-Compliant Appeal Brief which was mailed on February 25, 2009. The Notification stated that the brief does not present an argument under a separate heading for each ground of rejection on appeal. A review of the appeal brief shows that the identification of grounds of rejection on appeal on page 8 of the brief identifies three grounds of appeal, namely, Ground 1, Ground 2 and Ground 3, and explains the substance of each ground of rejection. The Argument section then has a heading, Ground 1, Ground 2 and Ground 3, under which the appropriate arguments appear for those grounds of rejection. The undersigned is therefore at a loss to determine what is thought by the Examiner to be non-compliant.

In an effort to provide some form of response to the Notification, enclosed is a modified copy of the Argument section where the description of each ground of rejection is added to the heading, and the entire heading is presented in bold font. Hopefully this will be found sufficient by the Examiner and, if it is not, a fair explanation of what exactly is thought to be deficient is respectfully requested.

This response is accompanied by a fee for a one month extension of time. It is believed that no other fee is due at this time. If any such fee is due, please charge same to Deposit Account 02-0184. Respectfully submitted,

Daniel De Sousa et al.

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(vi) - Grounds of rejection to be reviewed on appeal -

Ground 1 - Whether claims 1, 4-5, 7 and 10-11 are anticipated by US 6,453,356 to Sheard (hereafter "Sheard").

Ground 2 - Whether claims 2, 6, 8 and 12 are obvious over a Sheard in view of US 7,206,592 to Gollnick (hereafter "Gollnick").

Ground 3 - Whether claims 13 and 14 are obvious over Sheard in view of US 6,937,159 to Hill et al (hereafter "Hill").

(vii) ARGUMENT

Ground 1 - Whether claims 1, 4-5, 7 and 10-11 are anticipated by US 6,453,356 to Sheard (hereafter "Sheard").

This ground of rejection deals with a rejection of independent claims 1 and 7 as anticipated by Sheard.

In order to make a proper rejection under 35 USC 102, the Examiner must establish that Sheard discloses each and every limitation of the claims in question.

Claims 1 and 7 each call for a plurality of installation-local units and a plurality of additional units. The plurality of installation-local units includes a corresponding plurality of installations communicating in different formats, and the installation-local units each contain a formatter for formatting the real time data received from the installations into universal data.

The plurality of additional units are all configured for receiving this same universal data, and then for converting the data to the appropriate format for a user-application, with a plurality of user-applications being called for which use the information in different protocols.

The Examiner has suggested that Figure 1 of Sheard anticipates this claim, and discusses the adaptors and applications shown in Figure 1. What is not shown in Figure 1 is a plurality of additional units designed to receive the universal data and then transform this data into proper protocol for different user-applications. Figure 1 shows a single data exchange engine which receives information in various different formats from adaptors 34a-b.

In addressing the portion of the claim directed to the additional units, the Examiner has continued to refer to the same systems 2, 3, etc. that he also considered to be the installations. It is submitted that claim 1 calls at least for the situation where

the user-application is different from an installation. In addition, even if this is the case, universal data does not transfer directly between any of applications 1-4 as shown in Figure 1 in a universal format. Rather, this information is stored from each application at data exchange engine 32. Avoidance of this data exchange engine 32 is precisely the goal of the present invention, and it is again submitted that Sheard fails to disclose or suggest the invention as claimed.

Based upon the foregoing, the rejection of Ground 1 is in error and should be reversed.

Ground 2 - Whether claims 2, 6, 8 and 12 are obvious over a Sheard in view of US 7,206,592 to Gollnick (hereafter "Gollnick").

The rejection for these claims hinges upon the argument in connection with ground 1.

Ground 3 - Whether claims 13 and 14 are obvious over Sheard in view of US 6,937,159 to Hill et al (hereafter "Hill").

The rejection for these claims also hinges around the argument in connection with ground 1.